

Serial No. 09/996,189  
60,130-1291  
00MRA0622

REMARKS

Reconsideration and allowance are respectfully requested. Claims 1-15 and 17-24 are currently pending and stand finally rejected by the Examiner. Claims 6, 9, 10, 13, 18, 20 are withdrawn. No new matter has been added.

§ 103 rejection

Claims 1-5, 7, 8, 11, 12, 14, 15, 17, and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,649,726 to Rogers Jr. et al. ("Rogers") in view of U.S. Patent No. 6,114,821 to Kachouh ("Kachouh"). Applicant respectfully traverses this rejection.

The Office Action maintained the previous rejection, asserting that the Kachouh reference was relied upon for the teaching of an electric motor powered in a single direction and that Rogers teaches a reversible electric motor. The Office Action also asserted that "substituting a single direction powered motor arrangement as taught by Kachouh [into Rogers] would provide a simpler and less costly motor arrangement" (p. 4). Applicant respectfully disagrees.

Applicant understands that Kachouh, and not Rogers, teaches powering a motor in a single direction. However, as noted in Applicant's response of November 18, 2003, the bi-directional driving of the motor in Rogers is possible only if the motor rotates the worm gear in two directions as well. More particularly, Rogers teaches that the motor 310 drives the gear wheel 318 to move in a counter-clockwise direction 316, thereby moving the locking lever a locked position, and also drives the gear wheel to move in a clockwise direction 314, thereby moving the locking lever to the unlocked position (Figure 8). As clearly shown in Figure 8, this bi-directional movement of the gear wheel 318 is possible only if the motor 310 rotates the worm gear 213 in two directions as well (see also col. 8, lines 45-56; col. 9, lines 28-49).

There is no motivation to combine Kachouh with Rogers by substituting the electric motor powered in a single direction, as shown in Kachouh, for the bi-directional motor in Rogers because such a combination would render the device in Rogers inoperable, rendering it unsatisfactory for its intended purpose. More particularly, incorporating a uni-directional motor in Rogers would make it impossible for the locking lever in Rogers to move from an unlocked position to a locked position or vice versa. Instead, in the Office Action's proposed combination,

Serial No. 09/996,189  
60,130-1291  
00MRA0622

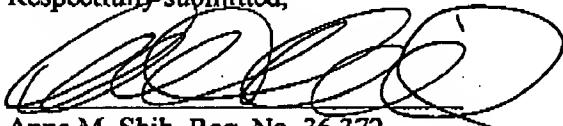
the locking lever will be stuck in one position once moved because the uni-directional motor will be unable to rotate in the opposite direction to move the locking lever back into the other position in the Office Action's proposed combination. "If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." MPEP § 2143.02. Because the Office Action's proposed combination is completely inoperable, one of ordinary skill in the art would not have been led to incorporate a uni-directional motor in Rogers.

The Office Action therefore fails to establish a prima facie case of obviousness with respect to claims 1-5, 7, 8, 11, 12, 14, 15, 17, and 19. Withdrawal of the rejection is therefore respectfully requested.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,



Anna M. Shih, Reg. No. 36,372  
Carlson, Gaskey & Olds  
400 W. Maple Road, Ste. 350  
Birmingham, MI 48009  
(248) 988-8360

Dated: 29 October, 2004

N:\Clients\MERITOR\IP01291\PATENT\After final amendment 1 16 04 FOA.DOC

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (703) 872-9306, on 10/29/2004.



Beth A. Beard  
Beth A. Beard